

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

UNITED STATES OF AMERICA,

v.

Criminal Action No. 2:22cr132

DOUGLAS FRANCE,
Defendant.

ORDER

This matter comes before the Court on the defendant's unopposed motion to continue the trial date beyond the Speedy Trial deadline. (ECF No. 23.) On October 18, 2022, the government filed a sealed three-count criminal complaint against France. On October 19, 2022, United States Magistrate Judge Douglas E. Miller unsealed the criminal complaint, and France made his initial appearance. That same day, the government moved for detention, and Judge Miller signed a temporary detention order. On October 25, 2022, Judge Miller conducted a detention hearing. The government withdrew its motion for detention, and Judge Miller released France on bond. On November 2, 2022, a grand jury indicted France. Finally, on November 9, 2022, Judge Miller arraigned France. The Speedy Trial deadline thus falls on January 18, 2023. *See* 18 U.S.C. § 3161(c)(1).

In his motion, the defendant explained that his counsel had “not yet received discovery materials . . . that will require a significant amount of time to review.” (ECF No. 23, at 2.) The defendant also states that his counsel anticipates assisting other defendants in separate trials throughout December and January. Finally, the defendant asserts that a continuance “is necessary to grant [him] continuity of counsel, and reasonable time necessary for effective preparation due to the complexity of the case.” (*Id.* at 2.)

Upon due consideration, the Court GRANTS the defendant's motion. (ECF No. 23.) The Court CERTIFIES this case as complex and FINDS that commencing trial before expiration of the Speedy Trial deadline would "result in a miscarriage of justice." 18 U.S.C. §§ 3161(h)(7)(B)(i), (ii). The Court also FINDS that failing to grant a continuance would deny France "continuity of counsel." *See id.* § 3161(h)(7)(B)(iv). Accordingly, the Court FINDS that the ends of justice served by setting a trial date beyond January 18, 2023, outweigh the best interest of the public and the defendants in a speedy trial. *See id.* § 3161(h)(7).

A party who objects to the Court's findings must file an objection within seven days of this Order. The objection shall explain why the continuation period, in whole or in part, should not be excluded under the Speedy Trial Act. The Court will deem a failure to object as an agreement with the Court's findings.

The Court now sets this case for a jury trial on **January 23–26, 2023**. Trial will begin each day at **9:00 a.m.**

Further, the Court sets the following pretrial deadlines:

1. Within thirty days of this Order, the following motions are due: motions (1) challenging the sufficiency of the indictment, information, warrant, or violation notice; (2) raising any issues of venue or jurisdiction; (3) for discovery or production; (4) to suppress evidence; (5) for any mental examination; (6) objecting to use by the opposing party of any particular evidence known by a party that may be subject to pretrial ruling; and (7) raising any other pretrial matter. Response briefs are due within fourteen days of the filing of the motion, and rebuttal briefs are due three days thereafter.

2. All other motions are due twenty-one days before trial, unless a party shows good cause for filing later.

3. Subpoenas are due fourteen days before trial.

4. Proposed voir dire questions and jury instructions are due seven days before trial.

The parties shall email their proposed voir dire questions and jury instructions to Chambers. The parties must submit jury instructions both with and without citations. The proposed voir dire questions and jury instructions shall be typed in 12-point Times New Roman font using normal capitalization. The parties shall not capitalize all of the proposed voir dire questions and jury instructions.

5. If the parties wish to schedule a hearing on a motion, they should contact Chambers.

It is so ORDERED.

Let the Clerk send a copy of this Order to all counsel of record.

Date: 23 November 2022
Richmond, VA

/s/
John A. Gibney, Jr.
Senior United States District Judge